

PATENT APPLN. NO. 10/531,047  
RESPONSE UNDER 37 C.F.R. §1.111

**PATENT  
NON-FINAL**

**REMARKS**

Claims 1 and 26 have been amended to limit the active material particles of the negative electrode of the rechargeable lithium battery defined therein to silicon particles. Claims 3 and 24 have been canceled and claim 18 has been amended for consistency with the amendment to claim 1.

The claims as amended are patentable under 35 U.S.C. § 102 and 35 U.S.C. § 103(a).

In the Action, claims 1-18, 20 and 24-29 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Ishizuka et al., JP 10-040958 ("Ishizuka"), machine translation. Claims 19 and 21-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishizuka, as applied to claim 1, and further in view of Fukui et al., WO 02/21616 ("Fukui").

The rejections are not proper because Ishizuka fails to disclose or suggest a rechargeable lithium battery in which the active material of the negative electrode are silicon particles.

The negative electrode material disclosed in Ishizuka is a material made mainly of a non-crystal chalcogen compound and/or non-crystal oxide including an atom of three or more types to be selected from groups 1, 2, 13, 14 and 15 of the periodic table (see

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the English language abstract of JP 10-040958 and paragraph [0006] of the machine translation thereof).

The chalcogen consists of the elements oxygen (O), sulfur (S), selenium (Se), tellurium (Te), and polonium (Po) (see the attached copy of printouts from "Wikipedia" and "Chemistry Encyclopedia").

Neither the non-crystal chalcogen compound of Ishizuka, which necessarily contains oxygen (O), sulfur (S), selenium (Se), tellurium (Te), or polonium (Po), nor the non-crystal oxide of Ishizuka, which includes an atom of three or more types to be selected from groups 1, 2, 13, 14 and 15 of the periodic table, can properly be termed silicon particles.

Accordingly, the silicon particles used as the negative electrode material in the present invention are different from the negative electrode material disclosed in Ishizuka. Therefore, Ishizuka, alone or in combination with Fukui, cannot support either anticipation under 35 U.S.C. § 102(b) or obviousness under 35 U.S.C. § 103(a) of the claims of the present application. Removal of the rejections in the Action and an allowance of the claims of the application are in order and are respectfully requested.

The foregoing is believed to be a complete and proper response to the Office Action dated December 22, 2010.

In the event that this paper is not considered to be timely

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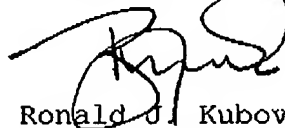
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filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,

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Enclosures: Printouts from "Wikipedia" and "Chemistry Encyclopedia"